

bill is the way to get it. I merely wish to have the RECORD show that passage of the bill will mean a change in policy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. Mr. President, does not the distinguished Senator from Washington think it wise that the RECORD show plainly that by the passage of the bill, there is no intent on the part of the Senate to give any encouragement to a claim later for reimbursement for such impoundment of water as will lend itself to protection against floods?

Mr. MAGNUSON. I think that is correct.

Mr. GORE. I think it is especially important that the RECORD show that, in view of the fact that there is now pending a bill, Senate bill 3434, which proposes a policy by which the taxpayers of the country will have to reimburse private concerns for whatever benefits may have accrued or may hereafter accrue downstream as a result of the impoundment of waters, even though such concerns are benefiting free of charge from the use of the natural resources. I wish to have the RECORD show plainly that there is no implication that we endorse that kind of payment now or in the future.

Mr. MAGNUSON. I agree with the Senator from Tennessee. I am sure the two Senators from Alabama never had any such intention in framing the provisions of the bill. What they have tried to say, and I think what they do say, and I think what the Senator from Connecticut explained, is that should we adopt a future policy we would not leave out the Alabama company.

Mr. HILL. The people of Alabama would not want to be considered guilty of laches.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8923) was considered, ordered to a third reading, read the third time, and passed.

ADVANCEMENT OF COMDR. DONALD B. MACMILLAN TO THE GRADE OF REAR ADMIRAL

The bill (S. 3476) to provide for the advancement of Comdr. Donald B. MacMillan, United States Naval Reserve (retired), to the grade of rear admiral on the Naval Reserve retired list was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Comdr. Donald B. MacMillan, United States Naval Reserve, retired, shall be advanced on the Naval Reserve retired list to the grade of rear admiral effective as of the date of enactment of this act, in recognition of his lifelong and invaluable services on behalf of the United States and the United States Navy through outstanding contributions to the sciences of hydrography, meteorology, and geography in the polar areas.

SEC. 2. Nothing contained in this act shall be deemed to increase the retired or retirement pay received by the said Comdr. Donald B. MacMillan and no other benefits shall accrue to him by virtue of the enactment thereof.

Mrs. SMITH of Maine. Mr. President, I ask that there be printed in the RECORD in connection with the bill just passed a joint statement prepared by myself and my colleague the junior Senator from Maine [Mr. PAYNE], paying tribute to Commander MacMillan.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS SMITH AND PAYNE ON DONALD BAXTER MACMILLAN

Donald Baxter MacMillan, commander, USNR, retired, was born November 10, 1874, in Provincetown, Mass. While still a boy, he moved to Freeport, Maine. It was natural for him to become interested in the sea for his family had been mariners, and his father was lost at sea. In 1898 he graduated from Bowdoin College. For the next 10 years he was engaged in teaching.

In 1909 MacMillan was first assistant on the successful Peary expedition to the North Pole. Since 1910 he has led 29 polar exploratory and scientific expeditions. This month he will leave on his 30th trip North from Boothbay Harbor, Maine. He has made a major contribution to the sciences of hydrography, meteorology, and geography in the polar areas.

In World War I he served as a lieutenant in the United States Navy. In 1941 he was recalled to active duty and worked on the location of installations in the North and as a consultant on all Arctic work. He retired with the grade of commander. It is believed his promotion on the retired list will be a fitting recognition of his outstanding services to the United States and the United States Navy. Both Admiral Peary and Admiral Byrd were given similar promotions after their retirement.

Commander MacMillan is the author of *Four Years in the White North* (1918); *Etah and Beyond* (1927); *Kah-da* (1930); *How Peary Reached the Pole* (1934); *Eskimo Place Names and Aid to Conversation* (1943).

Commander MacMillan is a Fellow of Royal Geographical Society, Fellow of American Geographical Society, Member of American Geophysical Union, Member of American Association for the Advancement of Science, Director of the Grenfell Association, and Director of Kent Island Scientific Station.

Among the honors and awards which he has received are the following: Elisha Kent-Kane Gold Medal, 1927; special Congressional Medal, 1944; Chicago Geographic Society Medal, 1949; Explorers Club Medal, 1953; Hubbard Gold Medal of the National Geographic Society, 1953; Bowdoin Prize, 1953.

Donald MacMillan is one of our most noted citizens. His reputation as an explorer, lecturer, author, and educator is national. He has served his country well in both war and peace in a region of ever-increasing strategic importance. The value of his pioneer efforts in the North cannot be overestimated.

Mrs. SMITH of Maine. Mr. President, I join with my colleague from Maine in expressing appreciation for being able to cooperate with our colleagues in honoring this fine citizen.

BILL PASSED OVER

The bill (H. R. 8873) making appropriations for the Department of Defense and related independent agency for the fiscal year ending June 30, 1955, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, this is obviously a bill not to be considered on the Consent Calendar, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will go over.

AMENDMENT OF STANDARD CONTAINER ACT OF MAY 21, 1928

The bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685; 15 U. S. C. 257-257i), to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. PURTELL. Mr. President, this bill proposes to amend the Standard Container Act of May 21, 1928, so as to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables. The Standard Container Act of May 21, 1928, as my colleagues know, fixes the standard sizes of hampers, round stave baskets, and splint or market baskets for fruits and vegetables. With respect to hampers and round stave baskets, the law provides for 9 standard sizes of the following capacities: $\frac{1}{8}$ bushel, $\frac{1}{4}$ bushel, $\frac{1}{2}$ bushel, $\frac{3}{4}$ bushel, 1 bushel, $1\frac{1}{4}$ bushels, $1\frac{1}{2}$ bushels, and 2 bushels. Now, this is very important: With respect to the splint or market basket, the law provides for 6 standard sizes, 1 of which, Mr. President, is a 12-quart or $\frac{3}{8}$ -bushel basket. With respect to the splint, or market baskets, the law provides for 6 standard sizes of the following capacities: 4 quarts, 8 quarts, 12 quarts, 16 quarts, 24 quarts, and 32 quarts, standard dry measure.

The dimension specifications for these hampers, round stave baskets and splint baskets for fruits and vegetables must be submitted to, and be approved by, the Secretary of Agriculture, who is charged with the administration of this law.

The purpose of the bill is to provide for a $\frac{3}{8}$ -bushel basket. Peach and apple growers from North Carolina, Florida, Pennsylvania, and New York testified to the need for this new size basket. The demand for fruits is in smaller portions. The growers find there is a need for a smaller basket in which to pack peaches, for example, and the need is evidenced by the fact that new peaches are tender. They can be permitted to remain on the trees longer. If such peaches are packed in 3 or 4 tiers rather than 8 tiers, they will not be bruised. The committee agreed with the witnesses that such a basket would stimulate the market for apple and peach growers, and would in no way lead to deception.

Mr. HENDRICKSON. If the bill should be enacted into law, would there be any interference with State regulation at the State levels?

Mr. PURTELL. To the best of my knowledge, there would be none. There could not be any conflict with State law, because all these measures come under the Federal law.

Mr. HENDRICKSON. I thank the Senator.

Mr. GORE. Did not the National Conference on Weights and Measures send representatives before the Senator's committee; and did not they speak in

opposition to the bill on the ground that it would be deceptive to the public?

Mr. PURTELL. That is correct. The conference was meeting in Washington at the time when we had the first day of the hearings. The conference sent to the hearings a witness who indicated that there would be deception in the use of the basket, whether initially or subsequent to the first shipment or use. The committee went very exhaustively into the matter. Let me say that I have here one of the baskets, and I shall be glad to display it. I am sure there cannot be deception in connection with its use.

Mr. GORE. I will take the Senator's judgment as to that.

Was the action of the subcommittee on this matter unanimous?

Mr. PURTELL. The action of the subcommittee was unanimous. We believe that no deception can be practiced as a result of the enactment of this measure or the use of a basket of this size. We believe there is need for the basket, and that it will result in increasing the market for such fruit.

Let me call the Senator's attention to the fact that not too long ago the Government had to purchase the surplus peach crop; and we believe the use of these baskets will widen the market for peaches.

Mr. BRICKER. Mr. President, will the Senator from Connecticut yield to me?

Mr. PURTELL. I yield.

Mr. BRICKER. I should like to point out that the full committee was unanimously in favor of this measure.

Mr. ERVIN. Mr. President, as a matter of fact, all the bill does is permit the use of a basket of a different shape, but of a size already authorized by law.

Mr. PURTELL. That is correct.

I may point out for the information of the Senate—in view of the need, perhaps, to have subsequent action taken on the same subject—that if vegetables or fruits are packed in a container other than a stave or wicker container, they can be packed in a container of any size whatsoever; there is no Federal law on the subject.

Mr. ERVIN. Furthermore, the Department of Agriculture favors this bill, does it not?

Mr. PURTELL. That is correct. Let me say, in addition, that the Department of Agriculture will have to pass on all the baskets, before they can be used; and, under the law, they must be properly stamped. Of course, that is provided for in the bill.

Mr. HOLLAND. Mr. President, the fruitgrowers in my State are very anxious to have the bill enacted, because of the increasing demand for tender fruits that have been ripened on the trees, rather than for the shipment of fruits that have been packed when green, as used to be the case.

This measure calls for a smaller basket than the one-half bushel basket which has been used heretofore. The fruit growers believe that a three-eighths bushel hamper of this kind, which is round and made of staves, is a better container for the shipment of mature fruit, rather than the three-eighths

bushel basket made of splints, which already is legalized, but does not lend itself so well to the transportation of tree-ripened fruit.

It is my understanding that there is no opposition from any quarter to this bill, and that the conference which voiced objection, at the time when it met in Washington, was without the benefit of an actual model of the basket which, when constructed, showed very clearly that there was a sufficient difference in size so as not to make it possible to deceive through the use of the three-eighths bushel basket.

Mr. PURTELL. The Senator from Florida is correct.

Mr. HOLLAND. Furthermore, I think the Senate will be interested in knowing that this was the last bill offered to the Senate by our esteemed colleague, the late Senator Hoey, of North Carolina. I am sure the Members of the Senate would like to know that he personally was strongly in support of this measure; and a letter from his former assistant, which is printed in the report, shows that Senator Hoey planned to appear personally on this matter and to be in the Senate Chamber when the bill was considered on the floor.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 8357) to amend the Standard Container Act of May 21, 1928 (45 Stat. 685, 15 U. S. C. 257-257i) to provide for a $\frac{3}{8}$ -bushel basket for fruits and vegetables was considered, ordered to a third reading, read the third time, and passed.

IMPLEMENTING THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA

The Senate proceeded to consider the bill (S. 2453) to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship, which had been reported from the Committee on Interstate and Foreign Commerce with amendments.

The PRESIDING OFFICER. The clerk will proceed to state the amendments reported by the committee.

The first amendment of the committee was on page 2, in line 17, after "January 1", to strike out "1954" and insert "1955."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to strike out:

(c) Subsection 352 (b) of such Act is amended to read as follows:

"(b) The Commission may grant to passenger and cargo ships exemptions of a partial or conditional nature, or complete exemption from the provisions of this part, if it considers that the maximum distance of the ship from the nearest land, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety, are such as to render full application of this part unreasonable or unnecessary."

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

(c) Section 352 of such Act is amended by adding at the end thereof a new subsection as follows:

"(c) If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied."

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "the", to strike out "United States, but during the emergency proclaimed by the President on December 16, 1950, to exist, but not after the termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration" and insert "United States."

The amendment was agreed to.

Mr. GORE. Mr. President, upon consideration of the bill and its amendments, I find that it is rather complicated. It affects the implementation of a treaty. Therefore, I ask that the bill go over.

Mr. BRICKER. Mr. President, will the Senator yield to me?

Mr. GORE. I yield.

Mr. BRICKER. The bill is not so complicated as its length or provisions would make it seem. All the bill does is to implement the international agreement entered into at London, in regard to safety at sea. The agreement was entered into in 1948, and subsequently was ratified by the Senate.

The bill gives to the Federal Communications Commission authority to require, in the case of coastwise vessels not engaged in international trade, the same provisions for safety at sea that are required by the London convention in the case of all vessels over 1,600 tons gross weight.

I think the bill was approved unanimously by the committee. The senior minority member of the committee is present at this time, and I think he approved the bill at that time. It is a Senate bill, and will require consideration by the House of Representatives, and, no doubt, extensive hearings.

There was no objection by any department of the Government with which we communicated, and we communicated with all of them; and there was much support of the bill on the part of various departments of the Government, particularly the Federal Communications Commission and the Maritime Commission.

Mr. GORE. Mr. President, in view of the fact that both the chairman of the committee and the ranking minority member are on the floor and we are prepared to make statements on the bill, I withdraw my objection.

Mr. MAGNUSON. I thank the Senator from Tennessee.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement giving detailed explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 2453

S. 2453 is a bill to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio equipment and radio operators on board ship. S. 2453 was introduced at the request of the Federal Communications Commission and applies to the Sections of the Communications Act which compel radio equipment and radio operators to be provided on board certain ships. The purpose of the amendments is designed primarily to bring the provisions of the Communications Act in line with those radio provisions contained in the new Safety of Life at Sea Convention (London, 1948) which was ratified by the Senate on April 20, 1949, and which came into force on November 19, 1952.

S. 2453 would accomplish the following purposes:

1. Raise the compulsory radio requirements of title 3 of the Communications Act to those of the 1948 international convention by including cargo ships over 500 gross tons;

2. Remove a minor conflict between the Communications Act and the apparent intent of the 1948 Convention by excluding from compliance with the compulsory radio provisions of the Communications Act those foreign ships which have been excepted from the radio requirements of the 1948 convention;

3. Provide for the issuance of Safety Radiotelegraphy and Safety Radiotelephony certificates by the Commission; and

4. Provides authority for the Commission with respect to lifeboat portable radio equipment.

Hearings were held on March 16, 1954, at which time the Federal Communications Commission, American Merchant Marine Institute, Conference of American Maritime Union, representing the American Radio Association, and Pacific American Steamship Association submitted testimony.

The Department of the Navy, Treasury Department, United States Coast Guard, Department of Justice, Department of State, and the Department of Commerce have all indicated they have no objection to this legislation.

The Federal Communications Commission, American Merchant Marine Institute, and American Radio Association all supported the legislation as amended.

The PRESIDING OFFICER. The clerk will state the remaining amendments reported by the committee.

The next amendment reported by the Committee on Interstate and Foreign Commerce was, on page 6, in line 16, after the word "and", to strike out "64" and insert "364."

The amendment was agreed to.

The next amendment was, on page 7, in line 5, after the word "operator", to insert "who may be a member of the crew holding only a certificate for radio telephony."

* The amendment was agreed to.

The next amendment was, on page 10, in line 6, after the word "convention", to insert "and exemption certificates issued in lieu of such certificates".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) paragraphs (1) and (2) of section 351 (a) of the Communications Act of 1934, as amended, are amended to read as follows:

"(1) For any ship of the United States, other than a cargo ship of less than 500 gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than 500 gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this act: *Provided*, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than 1,600 gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;

"(2) For any ship of the United States of 1,600 gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finding apparatus (radio compass) properly adjusted in operating condition as hereinafter provided which apparatus is approved by the Commission: *Provided*, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between 1,605 gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus."

(b) Paragraph (3) of section 352 (a) of such act is amended to read as follows:

"(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that convention, or which ship conforms to the radio requirements of such convention or regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such convention."

(c) Section 352 of such act is amended by adding at the end thereof a new subsection as follows:

"(c) If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: *Provided*, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied."

(d) Section 353 of such act is amended to read as follows:

"OPERATORS, WATCHES, AUTO-ALARM—RADIO-TELEGRAPH EQUIPPED SHIPS"

"Sec. 353. (a) Each cargo ship required by this part to be fitted with a radiotelegraph installation and which is not fitted with an auto-alarm, and each passenger ship required

by this part to be fitted with a radiotelegraph installation, shall, for safety purposes, carry at least two qualified operators.

"(b) A cargo ship, required by this part to be fitted with a radiotelegraph installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least 6 months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

"(c) Each ship of the United States required by this part to be fitted with a radiotelegraph installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided*, That in lieu thereof, on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least 8 hours per day, in the aggregate, shall be maintained by means of a qualified operator.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which is required by this part to be fitted with a radiotelegraph installation.

"(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch."

Sec. 2. (a) Such act is amended by—

(1) redesignating sections 354, 355, 356, 357, 358, 359, 360, 361, and 362 thereof as sections 355, 357, 358, 359, 360, 361, 362, 363, and 364 thereof, respectively; and

(2) amending each such section number wherever it appears therein to conform to the redesignation prescribed by paragraph (1) of this subsection.

(b) Such act is amended by inserting, immediately after section 353 thereof, the following new section:

"OPERATORS, WATCHES—RADIOTELEPHONE EQUIPPED SHIPS"

"Sec. 354. (a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephony.

"(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission."

(c) That portion of section 355 of such act, as redesignated hereby, which precedes subsection (b) thereof is amended to read as follows:

"TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS"

"Sec. 355. The radio installation and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:

"(a) The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided*, That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of 500 gross tons and upward but less than 1,600 gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided."

(d) Such act is amended by inserting, immediately after section 355 thereof, as redesignated hereby, the following new section:

"TECHNICAL REQUIREMENTS—RADIOTELEPHONE EQUIPPED SHIPS"

"Sec. 356. Cargo ships of less than 1,600 gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

"(a) The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

"(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

"(c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of 150 nautical miles.

"(d) There shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c). If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least 6 hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated."

(e) The text of section 357 of such act, as redesignated hereby, is amended to read as follows:

"Sec. 357. Every ship required to be provided with lifeboat radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, 'radio equipment' shall include portable as well as nonportable apparatus."

(f) Subsection 361 (b) of such act, as redesignated hereby, is amended to read as follows:

"(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said convention, and Exemption Certificates issued in lieu of such certificates, shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith."

Sec. 3. Section 3 of such act is amended by inserting at the end thereof the following new subsections:

"(ee) 'Existing installation,' as used in section 355 of this act, means an installation

installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or 1 installed on a ship prior to a date 1 year after the effective date of this subsection in the case of other ships subject to part II of title III of this act.

"(ff) 'New installation,' as used in sections 355 and 356 of this act, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, 1 installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this act, 1 which is installed subsequent to a date 1 year after the effective date of this subsection."

TRANSPORTATION OF WATERBORNE CARGOES—BILL PASSED TO NEXT CALL OF THE CALENDAR

The bill (S. 3233) to amend the Merchant Marine Act, 1936, to provide permanent legislation for the transportation of a substantial portion of waterborne cargoes in United States-flag vessels was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I wonder whether the distinguished Senator from Maryland will answer a question regarding the bill.

Mr. BUTLER of Maryland. If the Senator from New Jersey would like me to do so, I shall make a brief explanation of the bill.

Mr. HENDRICKSON. I merely wish to ask a question.

Mr. BUTLER of Maryland. Very well. Mr. HENDRICKSON. I notice that the bill provides for a fair and reasonable value.

Mr. BUTLER of Maryland. Yes. Do I understand that the Senator from New Jersey is referring to the charter hire?

Mr. HENDRICKSON. Yes. Originally, the bill provided for fair and reasonable market rates. The bill as reported provides simply for market rates. Why was that change made?

Mr. BUTLER of Maryland. The change was made after hearings were held on the bill. We did not consider it too important.

The bill is more acceptable to certain people who appeared before the committee.

Mr. HENDRICKSON. Will not the market rate formula be very costly to the taxpayers, as compared to the fair and reasonable rate?

Mr. BUTLER of Maryland. It may possibly. The bill covers only cargoes which are being paid for or owned by the Government. It has nothing to do with any other commerce of the United States. It applies only to the giveaway and United States owned cargoes.

Mr. HENDRICKSON. I thank the Senator.

Mr. WILLIAMS. Mr. President, it was my understanding that this bill was to be made the unfinished business following the call of the calendar.

Mr. BUTLER of Maryland. The majority leader is present. I am not advised on that question. I ask the majority leader, Is this bill to be made the

unfinished business following the call of the calendar?

Mr. KNOWLAND. What number is it?

Mr. BUTLER of Maryland. Calendar 1597, Senate bill 3233.

Mr. KNOWLAND. No; that is not the unfinished business. The unfinished business is House bill 3097. I had said to the Senator that Calendar No. 1597, Senate bill 3233, would be one of the bills we would take up as special orders if it were not passed on the call of the calendar. It has been cleared for action by the policy committee, but it is not the unfinished business.

Mr. BUTLER of Maryland. Mr. President, for the information of Senators, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a brief statement in explanation of the bill. I am willing to let the bill go over until another call of the calendar, or until it is called up by the majority leader which he assures me will be very soon.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER, OF MARYLAND

S. 3233, the cargo preference bill, better known as the 50-50 bill, would broaden and make permanent provisions now in 7 foreign aid and military assistance statutes to require shipment in United States-flag vessels of at least 50 percent of foreign aid and other federally owned or financed ocean cargoes.

It is thoroughly consistent with this Nation's shipping policy, as expressed in the Merchant Marine Act of 1936, to carry a substantial portion of our foreign commerce in time of peace. Congress has interpreted that substantial portion to mean at least 50 percent but the various provisos, as administered, have not always resulted in a 50 percent carriage of specified classes of tonnage in American bottoms.

The bill now under discussion would close at least some of the loopholes through which cargoes that should have been carried in United States-flag ships have been routed into foreign ships.

It would extend coverage of those provisions to offshore purchases, and to transactions where this Government guarantees convertibility of currency—excluding instances where this Government acts simply as an agent, on a reimbursable basis.

It also would rule out purchases in this country or abroad made on a laid-down or shipside-delivery basis, which procedures have been used extensively by some Government agencies to avoid compliance with the spirit if not the actual wording of current statutes.

An instance of such evasive procedures is the program under which fertilizers have been furnished over recent years to countries in the Middle East and Far East. Figures supplied to our subcommittee revealed that approximately a quarter million tons were so purchased and furnished in the year ending April 30, 1954, less than one-fifth of which was procured from United States sources, and far less than a third transported in America bottoms.

Under this type of procedure, the contracting Government agency doesn't take possession until the fertilizer or other commodity is delivered at the destination country. The use of American shipping is thus largely avoided, for reasons of economy.

The chief objections voiced by Government agencies to the bill as introduced have been removed largely, we believe, by five amendments to the original bill: